

Senate Bill 680

By: Senator Bulloch of the 11th

AS PASSED

AN ACT

To amend an Act relating to the board of commissioners of Decatur County, approved March 4, 1935 (Ga. L. 1935, p. 630), as amended, so as to restate and revise the provisions of said Act; to provide for a comprehensive restatement; to change provisions relating to the chairperson and vice chairperson of the board and their selection, service, and powers and duties; to change provisions relating to meetings, a quorum, and voting; to modernize certain provisions and language and omit certain obsolete provisions; to provide for other related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act relating to the board of commissioners of Decatur County, approved March 4, 1935 (Ga. L. 1935, p. 630), as amended, is amended by striking Sections 1 through 17 of said Act, which sections comprise all substantive provisions of said Act as amended, and inserting in their place new Sections 1 through 17 which shall comprise a comprehensive restatement and revision of the provisions of said Act and which shall read as follows:

"SECTION 1.

(a) There is established in Decatur County a board of commissioners which shall be the governing authority of said county. The board shall be composed of six members as provided in this Act. For the purpose of electing members of the board, Decatur County is divided into six commission districts as follows:

COMMISSION DISTRICT NO. 1

Commence on the East side of State Route 302 at its intersection with the Florida State Line, and thence run East along the Florida State Line to the East Decatur County Line; thence run North along the East Decatur County Line to the South side of Bell Dixon Road; thence run West along the South side of the Bell Dixon Road to its intersection with the East side of Fewell Road; thence run in a Southwesterly direction along the East

side of Fewell Road to its intersection with the East side of State Route 262; thence run in a Southwesterly direction along the South side of State Route 262 (Antioch Church Road) to the intersection of the South side of Lake Douglas Road; thence run in a Northwesterly direction along the South side of Lake Douglas Road to the South side of Cedar Grove Road; thence run along the South side of Cedar Grove Road to the East side of Woodhull Road; and thence run in a Northerly direction along the East side of Woodhull Road to Georgia Power Company transmission line right-of-way; thence run along the South side of Georgia Power Company transmission right-of-way line to the West side of Seaboard Coastline Railroad right-of-way; thence run in a Northerly direction along the West right-of-way of the Seaboard Coastline Railroad right-of-way to its intersection with Four Mile Creek; thence meandering along Four Mile Creek in a Northwesterly direction to its intersection with the West side of Fowlstown Road; thence run North along the West side of Fowlstown Road to the South side of Country Club Road; thence run West along the South side of Country Club Road to the West side of State Route 97 (Faceville Highway); thence run South along the West side of Faceville Road to the South side of Hand Road; thence run West along the South side of Hand Road to its intersection with Four Mile Creek; thence meandering along Four Mile Creek in a Southwesterly direction to its intersection with Flint River; thence meandering along the East side of Flint River in a Southerly direction to its intersection with Dry Creek; thence meandering along Dry Creek in a Northeasterly direction to its beginning and then following the extension of said line in an Easterly direction to its intersection with the East side of State Route 97 (just South of Southland Road); thence run in a Southerly direction along the East side of Highway 97 to its intersection with Highway 302; thence run in a Southerly direction along the East side of Highway 302 to the Florida line and the point of beginning.

COMMISSION DISTRICT NO. 2

Commence on the South side of County Line Road at its intersection with the East Decatur County Line and thence run West along the South side of the County Line Road to its intersection with the East side of Flint River; thence meandering along the East side of Flint River in a Southwesterly direction to its intersection with the North side of Big Slough Landing; thence run in a Northeasterly direction along the North side of Big Slough Landing to the East side of East River Road; thence run South along the East side of East River Road to the intersection with the North side of Forrest Lane; thence run

East along the North side of Forrest Lane to its intersection with Cumberland Court; thence run along Cumberland Court to its intersection with the city limits of the City of Bainbridge; thence run along the city limits of the City of Bainbridge to its intersection with the North side of Belcher Lane; thence run East along the North side of Belcher Lane to its intersection with the West side of Whigham Dairy Road; thence run South along the West side of Whigham Dairy Road to its intersection with the South side of Old Whigham Road; thence run West along the South side of the Old Whigham Road to its intersection with the East side of Pipe Line Street; thence run South along the East side of Pipe Line Street to its intersection with the North side of Shotwell Street; thence run East along the North side of Shotwell Street to its intersection with the East side of Whigham Dairy Road; thence run South across Shotwell Street to the East side of College Road and thence continue to run South along the East side of College Road to its intersection with the North side of Lake Douglas Road; thence run in a Southeasterly direction along the North side of Lake Douglas Road to its intersection with the West side of Alday Road; thence run North along the West side of Alday Road to its intersection with Carrie Bell Drive on the North; thence run in a Northeasterly direction along the West side of Alday Road to a curve to the East; thence run East along the North side of Alday Road to a curve to the South; thence run South along the East side of Alday Road to a curve to the East; thence run East along the North side of Alday Road to a curve to the South; thence run South along the East side of Alday Road to the North side of Lake Douglas Road; thence run in a Southeasterly direction along the East side of Lake Douglas Road to its intersection with the South side of Woodhull Road; thence run West along the South side of Woodhull Road to a curve to the South; thence run South along the East side of Woodhull Road to its intersection with the North side of Cedar Grove Road; thence run East along the North side of Cedar Grove Road to the East side of Lake Douglas Road; thence run South along the East side of Lake Douglas Road to its intersection with State Route 262; thence run in a Northeasterly direction along State Route 262 to its intersection with Fewell Road; thence run in a Northeasterly direction along the West side of Fewell Road to its intersection with the North side of Bell Dixon Road; thence run East along the North side of Bell Dixon Road to its intersection with the East Decatur County line; thence run North along the East Decatur County line to its intersection with the South side of County Line Road and the point of beginning.

COMMISSION DISTRICT NO. 3

Commence on the North side of U. S. Highway 27 Bypass at its intersection with the East side of Flint River and thence run in a Southerly direction along the East side of U. S. Highway 27 Bypass to its intersection with the West side of South West Street; thence run North along the West side of South West Street to its intersection with the North side of College Street; thence run East along the North side of East College Street to its intersection with the West side of Tallahassee Road; thence run North along the West side of Tallahassee Road to its intersection with the North side of U. S. Highway 84B (East Shotwell Street); thence run East along the North side of U. S. Highway 84B to its intersection with the West side of Pipe Line Road; thence run North along the West side of Pipe Line Road to its intersection with the North side of Old Whigham Road (Martin Luther King, Jr. Drive); thence run East along the North side of Old Whigham Road to its intersection with the West side of Whigham Dairy Road; thence run North along the West side of Whigham Dairy Road to its intersection with the South side of Belcher Lane; thence run West along the South side of Belcher Lane to the East city limits of the City of Bainbridge; thence run North along the East city limits of Bainbridge to the South side of Cumberland Court; thence run East along the South side of Cumberland Court to the Southeast corner of Cumberland Court; thence run North along the East side of Cumberland Court to the Northeast corner; thence run West along the North side of Cumberland Court to the Northwest corner; thence run in a Southwesterly direction along the West side of Cumberland Court to the South side of Forrest Lane; thence run West along the South side of Forrest Lane to its intersection with the West side of East River Road; thence run in a Northeasterly direction along the West side of East River Road to its intersection with the Big Slough Landing; thence meandering along the Big Slough Landing in a Southwesterly direction to its intersection with the East side of Flint River; thence meandering in a Southwesterly direction along the East side of Flint River to its intersection with the North side of U. S. Highway 27 Bypass and the point of beginning.

COMMISSION DISTRICT NO. 4

Commence on the South side of East Shotwell Street at its intersection with the East side of South Scott Street and thence run East along the South side of East Shotwell Street (Thomasville Road) to its intersection with the West side of College Road; thence run South along the West side of College Road to its intersection with the South side of Lake Douglas Road; thence run in an Easterly direction along the South side of Lake Douglas Road to a point where Alday Road intersects the North right-of-way line of Lake Douglas

Road; thence run North along the East side of Alday Road to a point of intersection on the North by Carrie Bell Drive; thence run in a Northeasterly direction along the South side of Alday Road to a curve to the East; thence run East along the South side of Alday Road to a curve to the South; thence run South along the West side of Alday Road to a curve to the East; thence run East along the South side of Alday Road to a curve to the South; thence run South along the West side of Alday Road to its intersection with the South side of Lake Douglas Road; thence run in a Southeasterly direction along the West side of Lake Douglas Road to its intersection with the North side of Woodhull Road; thence run West and South along the North and West side of Woodhull Road to its intersection with the Georgia Power Company transmission line right-of-way; thence run in a Southwesterly direction along the Georgia Power Company transmission line right-of-way to the East side of the Seaboard Coastline Railroad right-of-way; thence run in a Northwesterly direction along the East side of the Seaboard Coastline Railroad right-of-way to the South city limits of the City of Bainbridge; thence run West along the South city limits of the City of Bainbridge to the East side of Fowlstown Road (South West Street); thence run North along the East side of Fowlstown Road to the South side of East College Street; thence run East along the South side of East College Street to its intersection with the East side of Tallahassee Road; thence run North along the East side of Tallahassee Road to the South side of Shotwell Street and the point of beginning.

COMMISSION DISTRICT NO. 5

Commence on the West side of State Route No. 302 at its intersection with the Florida State Line and thence run North along the West side of State Route No. 302 to its intersection with the West side of State Route No. 97; thence run North along the West side of State Route No. 97 to its intersection with the South side of a line extended Easterly from the beginning of Dry Creek; thence meandering along the South side of Dry Creek in a Southwesterly direction to its intersection with Flint River; thence run across Flint River to the West bank; thence meandering along the West side of Flint River in a Northerly direction to a point where Four Mile Creek intersects the East side of Flint River; thence run East across Flint River to its intersection with the North side of Four Mile Creek; thence run in a Northeasterly direction along Four Mile Creek to its intersection with the North side of Hand Road; thence run East along the North side of Hand Road to its intersection with the West side of State Route 97; thence run North along the West side of State Route 97 to a point opposite the North side of Country Club

Road; thence run East across State Route 97 and along the North side of Country Club Road to its intersection with the East side of Fowlstown Road; thence run South along the East side of Fowlstown Road to its intersection with Four Mile Creek; thence meandering along Four Mile Creek in a Southeasterly direction to its intersection with the West side of the Seaboard Coastline Railroad right-of-way; thence run in a Northwesterly direction along the West side of the Seaboard Coastline Railroad right-of-way to its intersection with the South city limits of the City of Bainbridge; thence run East along the South city limits of the City of Bainbridge to its intersection with the West side of Fowlstown Road; thence run North along the West side of Fowlstown Road (South West Street) to its intersection with the South side of U. S. Highway 27 Bypass; thence run in a Northeasterly direction along the South side of U. S. Highway 27 Bypass to its intersection with the West bank of Flint River; thence meandering along the West bank of Flint River in a Southwesterly direction to its intersection with the West side of Airport Road; thence run North along the West side of Airport Road to its intersection with the South side of Spring Creek Road; thence run in a Southwesterly direction along the East side of Spring Creek Road to the West city limits of the City of Bainbridge; thence run North along the West city limits of the City of Bainbridge to its intersection with the South side of Dothan Road; thence run in a Northwesterly direction along the South side of Dothan Road to its intersection with the East side of John Sam Road; thence run South along the East side of John Sam Road to its intersection with the South side of John Rich Road; thence run West along the South side of John Rich Road to the East intersection of Yates Spring Road; thence run South along the East side of Yates Spring Road to its intersection with the South side of the Smith Landing Road; thence run West along the South side of Smith Landing Road and across Spring Creek to its intersection with the West Decatur County Line; thence run South along the West Decatur County Line to its intersection with the Florida State Line; thence run East along the Florida State Line to the West side of State Route 302 and the point of beginning.

COMMISSION DISTRICT NO. 6

Commence on the West side of the Flint River at its intersection with the North line of Decatur County and thence Meandering along the West side of Flint River to its intersection with the East side of Airport Road; thence run North along the East side of Airport Road to its intersection with the North right-of-way of State Route No. 253 (Spring Creek Road); thence run in a Southwesterly direction along the North side of

State Route 253 to the city limits of the City of Bainbridge; thence run North and East along the city limits of Bainbridge to its intersection with the North side of Dothan Road; thence run in a Northwesterly direction along the North side of Dothan Road to the North side of Cooler Road; thence run South across Dothan Road to the West side of John Sam Road; thence run South along the West side of John Sam Road to the North side of John Rich Road; thence run West along the North side of John Rich Road to Yates Spring Road; thence run South along the West side of Yates Spring Road to its intersection with the North side of Smith Landing Road; thence run West along the Smith Landing Road across Spring Creek to its intersection with the West Decatur County Line; thence run North along the West Decatur County Line to its intersection with the North Decatur County Line; thence run East along the North Decatur County Line to its intersection with the West side of Flint River and the point of beginning.

(b) Any part of Decatur County which is not included in any commission district described in subsection (a) of this section shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of Decatur County which is described as being in a particular commission district shall nevertheless not be included within such commission district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that commission district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Except as otherwise provided in the description of any commission district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2000 for the State of Georgia.

SECTION 2.

All members of the board of commissioners shall not be less than 21 years of age and shall be qualified electors of Decatur County. Each of the commissioners shall have been a resident of his or her respective commission district for at least 18 months prior to the date of taking office. In the event that any member ceases to be a resident of his or her respective commission district during his or her term of office, a vacancy shall be created and shall be filled in the manner hereinafter provided. Each of the members shall be elected by the qualified voters of Decatur County residing within his or her respective commission district. In all elections conducted pursuant to this Act, each candidate shall designate, at

the time of qualifying, the district from which he or she offers as a candidate. To be elected as a member of the board, a candidate must receive the highest number of votes cast for the seat he or she is seeking; and, at the same time, a candidate must receive a majority of the total votes cast for the election of a commissioner to that seat. In the event no candidate for a particular seat receives a majority of the votes for the seat he or she is seeking, a run-off election shall be conducted for that particular seat. All members shall be nominated and elected in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the Georgia Election Code, as now or hereafter amended.

SECTION 3.

Reserved.

SECTION 4.

(a) The present members of the board of commissioners of Decatur County and any successors filling vacancies created by such members prior to the expiration of their terms of office shall continue to serve out the terms of office for which they were elected and until their successors are elected and qualified as provided in this section.

(b) The members from Commission Districts No. Two, Three, and Five shall be those elected at the general election of 2004 and quadrennially thereafter and they shall take office on January 1 next following their election for terms of four years and until their successors are elected and qualified.

(c) The members from Commission Districts No. One, Four, and Six shall be elected at the general election of 2006 and quadrennially thereafter and shall take office on January 1 next following their election for terms of four years and until their successors are elected and qualified.

(d) Successors to the members elected pursuant to this section shall be elected at the general election immediately preceding the expiration of their respective terms of office and shall take office on the first day of January following their election for terms of four years and until their successors are elected and qualified.

(e) Any vacancy which occurs on the board of commissioners by death, resignation, removal from the commission district, or for any other reason shall be filled by the remaining members of the board electing a successor to serve until a successor is elected at the next general election to serve for the unexpired term or for a full term, as the case may be. Persons elected or appointed to fill the vacancies as provided by this subsection

shall be subject to the same qualifications as required of other regular elected members of the board of commissioners.

SECTION 5.

Each member of said board, before entering upon his or her duties, shall take an oath before the probate judge or the clerk of superior court to faithfully and honestly discharge all the duties of such commissioner according to the laws and Constitution of the State of Georgia, which oath shall be subscribed by the member and recorded upon the minutes of said board.

SECTION 6.

- (a) All members of the board shall have the same authority and privileges except the chairperson of the board shall not vote on any matter except as provided in this section.
- (b) The chairperson shall not vote on any matter coming before the commission except when there is a tie vote of the commissioners voting on any particular matter or when there are four or fewer members present.
- (c) A majority of the members of the board shall constitute a quorum for the transaction of all business which may come before it. A majority vote of the members present and voting on any matter shall be required for the commission to act affirmatively or negatively on the matter.

SECTION 7.

- (a) At the first board meeting in January, 2007, and at the first meeting each year thereafter, the board of commissioners shall elect one of its members as chairperson and select one of its members as vice chairperson.
- (b) The chairperson shall serve a term of one year, unless he or she resigns or is removed from the position of chairperson.
- (c) The vice chairperson shall serve a term of one year, unless he or she resigns or is removed from the position of vice chairperson.
- (d) It shall be the duty of the chairperson to act as presiding officer at all meetings of the board of commissioners, and he or she shall serve as ceremonial head of the county government. It shall be the duty of the chairperson to represent the board of commissioners in executing and carrying out any matter approved by the board.

- (e) In the event of the absence, disability, or recusal of the chairperson, the vice chairperson shall temporarily assume the duties of the chairperson.
- (f) In the event that the chairperson or vice chairperson position becomes vacant during the course of a year, the position is to be filled in the same manner as it would be at the first meeting of each year. The replacement member shall serve only until the end of the term.
- (g) In the event that the position of chairperson becomes vacant before the end of a year, the vice chairperson shall serve as acting chairperson until the board elects a new chairperson to complete the term.
- (h) In the event that positions of chairperson and vice chairperson become vacant at the same time, the member with the greatest length of service on the board shall serve as acting chairperson and the member with the second greatest length of service on the board shall serve as acting vice chairperson until the board elects a new chairperson and selects a new vice chairperson.

SECTION 8.

Each member of the board of commissioners shall be compensated from the funds of Decatur County. The compensation for the chairperson, the vice chairperson, and the remaining members of the board shall be fixed by the governing authority of Decatur County, as authorized by law.

SECTION 9.

The board of commissioners shall be authorized to employ a county administrator for the purpose of carrying out any of their powers and duties in the management and controlling of the affairs of the county. The county administrator shall perform such duties and responsibilities as determined by the board of commissioners. The county administrator shall be compensated out of county funds in an amount set by the board of commissioners.

SECTION 10.

The board of commissioners shall be authorized to elect and appoint a county clerk, and said clerk shall take the same oath in the same manner as its members have. The clerk's duties shall be prescribed by the board of commissioners and his or her term of office shall

be designated by the board of commissioners. The county clerk shall be compensated out of county funds in an amount set by the board of commissioners.

SECTION 11.

Reserved.

SECTION 12.

The board of commissioners may appoint and employ a competent attorney to act as attorney for said county, whose term of office may be fixed by the board of commissioners, and the board of commissioners shall pay for such legal services such compensation as the board in its discretion may deem reasonable.

SECTION 13.

The board of commissioners shall be authorized to designate the county administrator or any other county employee as the purchasing agent for the board of commissioners. The person designated as purchasing agent shall perform his or her responsibilities in accord with the purchasing policy of the county.

SECTION 14.

The board of commissioners shall have, and they are hereby vested with, exclusive jurisdiction over the following matters: in directing and controlling all of the property of the county as they may deem expedient according to law; in levying taxes according to law; in establishing, altering, or abolishing and changing elections, precincts, and militia districts; in supplying by appointment all vacancies in county offices and in ordering elections to fill them; in examining, settling, and allowing all claims against the county; in examining and auditing the accounts of all officers having the care, management, keeping, collection, or disbursement of money belonging to the county or appropriated for its use and benefit and bringing them to a settlement; in supervising the tax commissioner's books and allowing the insolvent list for said county, according to law in the settlement; and especially are they charged with the authority to examine and audit the books of the county treasurer, the tax commissioner, the sheriff, and all other officers of the county through whose hands may pass funds. This may be done by the commissioners or their clerk or designated auditor, and they may require from such officers such report as may be necessary to keep the board of commissioners fully informed at all times of the financial

condition of the county; in controlling, caring for, and managing the inmates of the county according to law; in making such rules, regulations, and provisions for the support of the poor of the county; in preserving and promoting public health of the county with authority to quarantine against contagious diseases and epidemics as provided by law; in levying and collecting taxes and trying all defaulters according to law; to sit at any time as a court for county purposes; to appoint any person or persons to discharge any duty and trust authorized by their powers, when no other person or persons are designated by law, and to regulate his or her or their compensation in their discretion; to concur in the approval with the probate court of the county of all official bonds now or formerly required to be approved by the ordinary or probate court by law; and generally to exercise all of the powers which are by the Constitution and laws of Georgia vested in the Probate Judge when sitting for county purposes, and to exercise such other powers as are granted by law or as may be necessary to their jurisdiction over county matters or county finances, including all powers not contrary with this Act, which have been heretofore exercised by the Board of Commissioners of Roads and Revenues of Decatur County under the Acts approved Aug. 15th, 1904, and under all Acts amendatory thereof; in selecting and appointing all subsidiary officers and employees of the county whose election and appointment are not otherwise provided for by law, such as superintendents and guards of inmates, county physicians, health officer, county farm agent, janitor of the courthouse, and other employees or officials as may be required or authorized by law. The board shall have entire management and control of the inmates of the county sentenced to work upon the roads and public works of the county so long as the county maintains a correctional institute and all inmates of the state assigned to work in the county by the proper authorities of the state and shall so employ them according to law and under such plans of working, building, repairing, and maintaining the public roads, bridges, and public works of the county, as now provided by law in said county.

SECTION 15.

The board of commissioners may receive contributions to the building or improvement of the public buildings, bridges, and property of the county from any person or persons, and such contributions received shall be used for the improvement of the roads and bridges or other county property.

SECTION 16.

Whenever practical and in the discretion of the board of commissioners, all supplies, equipment, and materials used by the county shall be purchased after notice and competitive bids received by the board, and whenever the board deems it advisable or necessary in their discretion that any property of the county be sold, the board shall sell same after due advertisement in the official organ of the county, at public outcry to the highest bidder for cash, before the courthouse door, all pursuant to the county purchasing policies.

SECTION 17.

The board of commissioners has the right to summon witnesses to appear before the board sitting as a court for county purposes, and to punish any and every person for contempt as the judges of the superior courts of this state now have."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.